

108TH CONGRESS
1ST SESSION

H. R. 1112

To amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2003

Mr. KINGSTON (for himself, Mr. FOLEY, Mr. HOYER, Mr. DEUTSCH, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CASTLE, Mr. FROST, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. GORDON, Mr. HOFFEL, Mr. BURNS, Mr. GINGREY, Mr. MATHESON, and Mr. SCHROCK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bankruptcy Judgeship
5 Act of 2003”.

6 **SEC. 2. PERMANENT JUDGESHIPS.**

7 Section 152(a)(2) of title 28, United States Code, is
8 amended—

1 (1) in the item relating to the eastern and west-
2 ern districts of Arkansas by striking “3” and insert-
3 ing “4”,

4 (2) in the item relating to the district of Dela-
5 ware by striking “1” and inserting “6”,

6 (3) in the item relating to the middle district of
7 Florida by striking “8” and inserting “10”,

8 (4) in the item relating to the southern district
9 of Florida by striking “5” and inserting “7”,

10 (5) in the item relating to the northern district
11 of Georgia by striking “8” and inserting “9”,

12 (6) in the item relating to the southern district
13 of Georgia by striking “2” and inserting “3”,

14 (7) in the item relating to the district of Mary-
15 land by striking “4” and inserting “7”,

16 (8) in the item relating to the eastern district
17 of Michigan by striking “4” and inserting “6”,

18 (9) in the item relating to the district of Ne-
19 vada by striking “3” and inserting “5”,

20 (10) in the item relating to the district of New
21 Jersey by striking “8” and inserting “9”,

22 (11) in the item relating to the southern district
23 of New York by striking “9” and inserting “11”,

24 (12) in the item relating to the eastern district
25 of North Carolina by striking “2” and inserting “3”,

1 (13) in the item relating to the eastern district
2 of Pennsylvania by striking “5” and inserting “6”,

3 (14) in the item relating to the district of Puer-
4 to Rico by striking “2” and inserting “3”,

5 (15) in the item relating to the district of South
6 Carolina by striking “2” and inserting “3”,

7 (16) in the item relating to the western district
8 of Tennessee by striking “4” and inserting “6”,

9 (17) in the item relating to the district of Utah
10 by striking “3” and inserting “4”, and

11 (18) in the item relating to the eastern district
12 of Virginia by striking “5” and inserting “6”.

13 **SEC. 3. TEMPORARY JUDGESHIPs.**

14 (a) TEMPORARY JUDGESHIPs.—

15 (1) APPOINTMENTS.—The following bankruptcy
16 judges shall be appointed in the manner prescribed
17 in section 152(a)(1) of title 28, United States Code,
18 for the appointment of bankruptcy judges provided
19 for in section 152(a)(2) of such title:

20 (A) One additional bankruptcy judge for
21 the southern district of Georgia.

22 (B) One additional bankruptcy judge for
23 the district of Maryland.

24 (C) One additional bankruptcy judge for
25 the eastern district of Mississippi.

1 (D) One additional bankruptcy judge for
 2 the northern district of Mississippi.

3 (E) One additional bankruptcy judge for
 4 the middle district of New York.

5 (F) One additional bankruptcy judge for
 6 the middle district of Pennsylvania.

7 (G) One additional bankruptcy judge for
 8 the district of Puerto Rico.

9 (2) VACANCIES.—The first vacancy occurring in
 10 the office of bankruptcy judge in each of the judicial
 11 districts set forth in paragraph (1)—

12 (i) occurring 5 years or more after the
 13 appointment date of the bankruptcy judge
 14 appointed under paragraph (1) to such of-
 15 fice; and

16 (ii) resulting from the death, retire-
 17 ment, resignation, or removal of a bank-
 18 ruptcy judge;

19 shall not be filled.

20 (b) EXTENSIONS.—

21 (1) IN GENERAL.—The temporary office of
 22 bankruptcy judges authorized for the northern dis-
 23 trict of Alabama and the eastern district of Ten-
 24 nessee under paragraphs (1) and (9) of section 3(a)
 25 of the Bankruptcy Judgeship Act of 1992 (28

1 U.S.C. 152 note) are extended until the first va-
2 cancy occurring in the office of a bankruptcy judge
3 in the applicable district resulting from the death,
4 retirement, resignation, or removal of a bankruptcy
5 judge and occurring 5 years after the date of the en-
6 actment of this Act.

7 (2) APPLICABILITY OF OTHER PROVISIONS.—
8 All other provisions of section 3 of the Bankruptcy
9 Judgeship Act of 1992 (28 U.S.C. 152 note) remain
10 applicable to the temporary office of bankruptcy
11 judges referred to in this subsection.

12 (c) TECHNICAL AMENDMENTS.—Section 152(a) of
13 title 28, United States Code, is amended—

14 (1) in paragraph (1), by striking the first sen-
15 tence and inserting the following: “Each bankruptcy
16 judge to be appointed for a judicial district, as pro-
17 vided in paragraph (2), shall be appointed by the
18 court of appeals of the United States for the circuit
19 in which such district is located.”; and

20 (2) in paragraph (2)—

21 (A) in the item relating to the middle dis-
22 trict of Georgia, by striking “2” and inserting
23 “3”; and

1 (B) in the collective item relating to the
2 middle and southern districts of Georgia, by
3 striking “Middle and Southern 1”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act.

